

Issued April 9, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
NORTH CENTRAL DIVISION

PROCEDURE FOR HANDLING APPEALS FILED IN CONNECTION WITH THE 1938 AGRICULTURAL CONSERVATION PROGRAM

PART I. NATURE OF APPEALS

Any person who has an interest in a farm as owner, operator, or sharecropper may appeal from any recommendation or determination of the county committee made with respect to such farm affecting his eligibility to file an application for payment, any soil-depleting acreage allotment, soil-building goal or restoration land goal established for the farm, the division of payments, or any other matter affecting the right to or the amount of the payment to be made with respect to such farm. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal he may appeal to the State committee. If the appellant is dissatisfied with the decision of the State committee he may request the Director of the North Central Division to review the decision of the State committee.

PART II. MANNER OF MAKING APPEALS

In writing.—No appeal shall be considered unless it is made in writing and is signed by the person making the appeal or his authorized agent. All appeals must first be presented to the county committee for consideration.

Time of appeal.—Any appeal must be filed with the county committee within 15 days after notice of the recommendation or determination of the county committee is forwarded to or is available to the appellant. Any appeal from the decision of the county committee must be made to the State committee within 15 days after notice of the decision of the county committee. Any appeal from the decision of the State committee must be made to the Director of the North Central Division within 15 days after notice of the decision of the State committee.

PART III. CONSIDERATION OF APPEALS BY COUNTY COMMITTEE

Notice of hearing.—Each person who has filed an appeal with the county committee shall be notified by the county committee in writing of the date and place for the consideration of his appeal in order

that he may have an opportunity to be present and be heard during the consideration of his appeal. The absence of the appellant during the time his appeal is being considered shall constitute a waiver of his right to be heard in connection with such appeal.

Hearing.—All appeals shall be considered by the county committee in the county office or at some other appropriate place in the county designated by the county committee. Appeals shall be heard, considered, decided, and the appellant notified in writing of the county committee's decision with respect thereto within 15 days after the filing of such appeal. Such notice shall set forth the reasons for the approval or disapproval of the appeal.

In order to avoid delay in forwarding listing sheets to the State committee priority shall be given to the consideration of appeals affecting soil-depleting acreage allotments, soil-building goals, restoration land goals, yields, grazing capacities, and productivity indexes. Appeals with respect to these matters shall be decided on the basis of individual merit and without regard to the county limits. However, where adjustments are made, it will be necessary to scale the adjusted figures, together with the figures which were not adjusted to the county limits. The adjusted figures shall be entered in the nearest available blank column on the listing sheet and the column headed "Appeal."

In considering appeals with respect to soil-depleting acreage allotments, soil-building goals, restoration land goals, yields, grazing capacities, and productivity indexes, the county committee should retrace the steps set forth in NCR-210 with respect to the establishment of such allotments, goals, yields, grazing capacities and productivity indexes in connection with each individual case. No appeal should be allowed unless the review of the case shows that a substantial mechanical error or error in judgment was made in following the procedure set forth in NCR-210.

PART IV. CONSIDERATION OF APPEALS BY STATE COMMITTEE AND THE NORTH CENTRAL DIVISION

In those cases where the appellant is dissatisfied with the decision of the county committee and appeals to the State committee within the prescribed 15 days, the county committee shall forward to the State committee a copy of the appeal, the written evidence submitted in connection therewith, and the reasons for the county committee's disapproval.

The State committee will review the appeal submitted to it and notify the appellant in writing as to its decision within 30 days after the receipt of the appeal. Such notice shall set forth the reason for the approval or disapproval of the appeal. In those cases where it is deemed necessary, the State committee may cause an investigation

to be made with respect to the appeal for the purpose of obtaining additional evidence upon which to predicate its decision. If an appeal is allowed by the State committee with respect to any soil-depleting acreage allotment, soil-building goal, restoration land goal, yield, grazing capacity, or productivity index, the adjusted figure shall be entered on the listing sheet by the State committee in the nearest available blank column and the column headed "Appeal." If, as a result of the allowance by the State committee of an appeal of this nature, the county limit is exceeded, the State committee may scale all figures for the county, including the adjusted figures, to the county limit. In those cases where the appellant is dissatisfied with the decision of the State committee and appeals his case to the Director of the North Central Division within the prescribed 15 days, the State committee shall forward to the Director of the North Central Division a copy of the appeal, the written evidence submitted in connection therewith, and the reasons for the disallowance of the appeal by the county committee and the State committee. The State committee will be advised concerning the appeal after the North Central Division has reviewed the case.

